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June 22, 2021

By ECF

Honorable Katharine H. Parker
United States Magistrate Judge
Southern District of New York
Daniel Patrick Moynihan United States Courthouse
500 Pearl Street
New York, New York 10007

Re: *Gabriel Flores v. City of New York, et al.*, No. 21 Civ. 1680 (PGG) (KHP)
Alexander Williams v. City of New York, et al., No. 21 Civ. 1083 (PGG) (KHP)
Johmanni Anduze v. City of New York, et al., No. 21 Civ. 519 (PGG) (KHP)

Your Honor:

I am an Assistant Corporation Counsel in the Office of Georgia M. Pestana, Acting Corporation Counsel of the City of New York, attorney for defendant City of New York in the matter of *Flores v. City of New York, et al.*, No. 21 Civ. 1680 (PGG) (KHP). In that capacity, I write to respectfully request that the Court adjourn *sine die* the initial case management conference presently scheduled for July 1, 2021, at 2:45 p.m. Defendant City of New York further respectfully requests that the Court extend *sine die* the parties' deadline to submit a case management plan, pending judicial review.

By way of background, plaintiff initiated this action pursuant to 42 U.S.C. § 1983 on February 23, 2021 by filing the complaint. ECF No. 2. On April 21, 2021, defendant City of New York respectfully requested judicial review pursuant to 28 U.S.C. § 1915(e)(2)(B) and § 1915A and that the Court mark this case as related to *Alexander Williams Jr. v. City of New York, et al.*, No. 21 Civ. 01083 (JPC) (KHP).¹ ECF No. 8. On April 22, 2021, Judge Abrams referred this case to Your Honor for general pretrial purposes and for resolution of defendant City of New York's request for judicial review of the Complaint pursuant to 28 U.S.C. §§ 1915(e)(2)(B) and 1915A. ECF No. 9, 10.

¹ On May 27, 2021, the Court stayed this case pending judicial review pursuant to 28 U.S.C. §1915. ECF No. 49.

As defendant City of New York's request for judicial review pursuant to § 1915(e)(2)(B) and § 1915A is still pending, defendant City respectfully requests that the Court adjourn *sine die* the initial case management conference until such a time as judicial review has been completed. Defendant City further respectfully requests that the Court extend *sine die* the parties' deadline to submit a case management plan to the Court. This adjournment would conserve judicial resources and promote efficiency, as it would circumvent the need for the parties to prepare and present case management plans prematurely. Were the conference to proceed as presently scheduled, the parties would present case management plans that involve discovery and potential motion practice concerning claims or defendants that the Court may ultimately dismiss from the case following judicial review. Furthermore, upon completion of judicial review, defendant City of New York (and perhaps other remaining defendants) may move for relief pursuant to Rule 12 of the Federal Rules of Civil Procedure. Therefore, a case management conference may be premature at this time.

This is defendant City of New York's first request of this kind. The requested adjournment will not affect any other dates or deadlines in this matter. As plaintiff is proceeding *pro se* and is presently incarcerated, this request is made directly to the Court.

Therefore, for the reasons set forth above, defendant City of New York respectfully requests that this Court adjourn *sine die* the initial case management conference until such a time as the Court has resolved defendant's request for judicial review. Defendant City also respectfully requests that the Court extend *sine die* the deadline for the parties to file a case management plan.

Thank you for your consideration herein.

Respectfully submitted,


Emma DeCourcy
Assistant Corporation Counsel
Special Federal Litigation Division

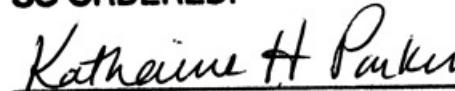
cc: Gabriel Flores (By Mail)
Plaintiff Pro Se
Book & Case Number: 4411905826
New York City Department of Correction
George R. Vierno Center
09-09 Hazen Street
East Elmhurst, New York 11370

Application Denied:

The July 1, 2021 conference will proceed as scheduled. The parties are directed to call (866) 434-5269, access code: 4858267 at the scheduled time.

The Court respectfully requests that the Clerk of Court mail a copy of this Order to the pro se Plaintiff.

SO ORDERED:


HON. KATHARINE H. PARKER
UNITED STATES MAGISTRATE JUDGE

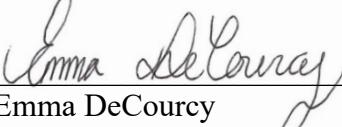
Date: June 23,
2021

DECLARATION OF SERVICE BY MAIL

I, Emma DeCourcy, declare, pursuant to 28 U.S.C. § 1746, under penalty of perjury that on June 22, 2021, I served the annexed **LETTER MOTION** upon the following individual by causing a copy of same, enclosed in a first class postpaid properly addressed wrapper, to be deposited in a post office/official depository under the exclusive care and custody of the United States Postal Service, within the State of New York, directed to Plaintiff at the address set forth below, being the address designated by Plaintiff for that purpose:

Gabriel Flores (By Mail)
Plaintiff Pro Se
Book & Case Number: 4411905826
New York City Department of Correction
George R. Vierno Center
09-09 Hazen Street
East Elmhurst, New York 11370

Dated: New York, New York
June 22, 2021



Emma DeCourcy
Assistant Corporation Counsel